

Randolph Gaw (S.B. #223718) – rgaw@thegawgroup.com
THE GAW GROUP
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 745-3308
Facsimile: (415) 737-0642

Attorneys for Defendants and Cross-Claimants Elite
Wholesale, Inc., Tonic Wholesale, Inc. d/b/a Ace
Wholesale, Dapan USA Corp. d/b/a Frontier
Wholesale and Sung Keun Lee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INNOVATION VENTURES, LLC, et al.,

Plaintiffs,

v.

PITTSBURG WHOLESALE GROCERS
d/b/a PITCO FOODS, et al.,

Defendants.

Case No. 3:12-CV-05523-WHA

STIPULATION AND ~~PROPOSED~~
ORDER TAKING OFF CALENDAR
DANDEE'S MOTION TO DISMISS
CROSS-CLAIMS OF ELITE
DEFENDANTS

AND RELATED CROSS-ACTIONS

1 WHEREAS, on March 2, 2013, defendant DanDee Company, Inc. (“DanDee”) filed a
2 motion to dismiss cross-claims raised against it by Defendants Elite Wholesale, Inc., Tonic
3 Wholesale, Inc., Dapan USA Corp. and Sung Keun Lee (collectively, the “Elite Defendants”)
4 (Docket No. 226); and

5 WHEREAS, a hearing date of April 18, 2013 has been scheduled for DanDee’s motion
6 to dismiss; and

7 WHEREAS, the Court had previously ordered on February 25, 2013, that the Elite
8 Defendants amend their responsive pleading in response to DanDee’s motion to dismiss (Docket
9 No. 193); and

10 WHEREAS, on March 28, 2013, the Elite Defendants filed an Amended Answer and
11 Cross-claims (Docket No. 281); and

12 WHEREAS, the parties agree that DanDee’s motion to dismiss is now moot;

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1 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that
2 the April 18, 2013 hearing on DanDee's motion to dismiss is hereby taken off calendar.

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4 Dated: April 3, 2013

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6 By: /s/ Randolph Gaw
7 Randolph Gaw
8 Attorneys for Defendants and Cross-
9 Claimants Elite Wholesale Inc., Tonic
Wholesale, Inc., Dapan USA Corp. and
Sung Keun Lee


10 Dated: April 3, 2013

LAW OFFICES OF WILLIAM MARKHAM, P.C.

11
12 By: /s/ William Markham
13 William Markham
14 Attorneys for Defendant and Cross-
15 Respondent DanDee Co., Inc.

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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18 Dated: April 3, 2013.

19 
20 Hon. William J. Alsup
21 United States District Court Judge
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